

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

Kyle Laney,

§

Plaintiff,

§

v.

§

**Godfrey Anthony Macias, Wood
Environment & Infrastructure
Solutions, Inc., and Fictitious
Parties
A-Z,**

§

§

§

§

§

Defendants

§

§

§

§

NOTICE OF REMOVAL

TO THE CLERK OF COURT FOR THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF ALABAMA:

PLEASE TAKE NOTICE that under 28 U.S.C. §§ 1332, 1441, and 1446, Defendants Godfrey Anthony Macias, and Wood Environment & Infrastructure Solutions, Inc. (collectively “Defendants”) hereby remove the above-captioned action from the Circuit Court of Jefferson County, Alabama to the United States District Court for the Northern District of Alabama, Southern Division. In support of this Notice of Removal, Defendants state:

1. The removed case is a civil action filed on November 18, 2021, in the Circuit Court of Jefferson County, Alabama, Bessemer Division, styled “*Kyle Laney, Plaintiff, v. Godfrey Anthony Macias, an individual, and Wood Environment & Infrastructure Solutions, Inc., a foreign corporation, and Fictitious Parties A-Z,*

Defendants,” case 68-CV-2021-900597 on the state court’s docket. *See Exhibit 1* (Complaint).

2. This civil action falls under this Court’s jurisdiction under 28 U.S.C. § 1332 and is one that may be removed to this Court in accordance with the provisions of 28 U.S.C. § 1441 *et seq.*, in that: (1) it is a civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs; and (2) all defendants are of completely diverse citizenship to the plaintiff.

3. Removal to this Court is proper under 28 U.S.C. §§ 1441(a) because this Court is the United States District Court for the district and division within which the removed state-court action was pending.

4. As required by 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders that have been served upon the removing Defendants to date are attached exhibits to this Notice. *See Exhibit 2* (all process and pleadings served upon Wood Environment & Infrastructure Solutions, Inc.); **Exhibit 3** (all process and pleadings served upon Godfrey Anthony Macias); **Exhibit 4** (all other pleadings filed and orders entered in the state-court action); **Exhibit 5** (copy of the state-court docket as of the date of this notice).

5. Wood Environment & Infrastructure Solutions, Inc. was first served with a copy of the Summons and Complaint on November 24, 2021, by certified mail to their registered agent for service of process, United Agent Group. *See Ex. 2.*

6. Godfrey Anthony Macias was first served with a copy the Summons and Complaint on November 30, 2021, by certified mail. *See Ex. 3.*

7. Defendants filed answers to Plaintiff’s Complaint in the state-court action on December 22, 2021. *See Ex. 4.*

8. This action was not removable on the face of Plaintiff's Complaint because the allegations therein did not conclusively show an amount in controversy in excess of \$75,000. *See* Ex. 1.

9. On February 24, 2022, however, Plaintiff served responses to requests for admission that confirmed that the damages sought by Plaintiff in this action exceed \$75,000. *See Exhibit 6* (Plaintiff's Responses to Requests for Admission).

10. This Notice is timely filed within 30 days after the receipt by Defendants of Plaintiff's discovery responses, from which it could first be ascertained that the case is one which is or has become removable. *See* 28 U.S.C. § 1446(b)(3).

11. All defendants, who have been properly joined and served, join in the removal of this action as required by 28 U.S.C. § 1446(b)(2)(A).

12. Fictitious Defendants A-Z have not been named and have not been served with a copy of any pleadings. By rule, “[i]n determining whether a civil action is removable...the citizenship of defendants sued under fictitious names shall be disregarded.” 28 U.S.C. §1441(a).

Diversity Jurisdiction

A. Amount in Controversy

13. The relief sought by Plaintiff in the Complaint is greater than \$75,000 in total damages, exclusive of interest and costs. *See* Ex. 6.

14. While Defendants deny this case has the value asserted by Plaintiff or that Plaintiff is entitled to relief, his claimed damages exceed the jurisdictional threshold to meet the amount-in-controversy requirement under 28 U.S.C. § 1332(a).

B. Diversity

15. Plaintiff Kyle Laney pleads that he is a resident citizen of Jefferson County, Alabama. *See* Ex. 1 at ¶ 4.

16. Defendant Godfrey Anthony Macias is a resident citizen of Dallas, Texas. *See Exhibit 7* (Macias' Answers to Plaintiff's Interrogatories) at 1.

17. Defendant Wood Environment & Infrastructure Solutions, Inc. is a corporation incorporated in the State of Nevada with its principal place of business in Kennesaw, Georgia. *See Exhibit 8* (Declaration of Brad Knight) ¶ 3. Wood Environment & Infrastructure Solutions, Inc. is, therefore, deemed a citizen of the States of Nevada and Georgia for purposes of diversity. *See* 28 U.S.C. § 1332(c)(1).

18. Because Plaintiff is a citizen of Alabama and all properly joined and served Defendants are citizens of states other than Alabama, the requirement of complete diversity is met.

Procedural Notice

19. Promptly after filing this Notice with this Court, Defendants will give notice of the removal to all adverse parties, and will file a copy of the Notice with the Clerk of Court for the Circuit Court of Jefferson County, Alabama, Bessemer Division, to effect the removal of this action to this Court in conformity with 28 U.S.C. § 1446(d).

20. Defendants reserve the right to amend or supplement this Notice.

Respectfully submitted,

/s/ Robert F. Dyer

Aaron G. McLeod (ASB-8589-A57M)
Robert F. Dyer (ASB-1876-G12Q)
Counsel for Defendants

OF COUNSEL:

ADAMS AND REESE LLP
1901 Sixth Avenue North, Suite 3000
Birmingham, AL 35203
Telephone: (205) 250-5000
aaron.mcleod@arlaw.com
robert.dyar@arlaw.com

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing document was served upon all counsel of record by e-mail and U.S. Mail, postage prepaid, this the 23rd day of March, 2022 as follows:

Derek B. Simms
Simms & Associates
608 37th Street South
Birmingham, Alabama 35222
(205) 453-9700 (Phone)
(205) 251-9940 (Fax)
derekbsimms@gmail.com
Counsel for Plaintiff

/s/ Robert F. Dyar
OF COUNSEL